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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,732	01/30/2002	Hirohisa Imai	2002_0110A	5690
513	7590	04/19/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			TOMASZEWSKI, MICHAEL	
2033 K STREET N. W.				
SUITE 800			ART UNIT	
WASHINGTON, DC 20006-1021			PAPER NUMBER	
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DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/058,732	Applicant(s) IMAI ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/04/2002</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notice To Applicant***

1. This communication is in response to the application filed on 1/30/2002. Claims 1-26 are pending. The IDS statements filed on 6/4/2002 and 4/29/2002 have been entered and considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-13, 15-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson (US 2003/0046305; hereinafter Clarkson), in view of Brown (6,101,478; hereinafter Brown).

(A) As per claim 1, Clarkson discloses a communication system for information of medical doctor's questions to patients, said communication system comprising:

- (1) a terminal apparatus for medical doctor (Clarkson: abstract; par. [0050]; Fig. 1-2);
- (2) a database server apparatus for storing question sets for medical doctor's questions to patients, which are connected through a communication network (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2);
- (3) wherein said terminal apparatus for patient comprises:
  - (a) generating means for generating question programs for making inquiries about medical doctor's questions to patients in accordance with the question sets received from said database server apparatus (Clarkson: abstract; par. [0020], [0050]; Fig. 1-2);
  - (b) displaying means for displaying questions for medical doctor's questions to patients by execution of the generated question programs (Clarkson: abstract; par. [0073], [0079]; Fig. 1-2);
  - (c) entering means for entering answer data to the displayed questions (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2); and
  - (d) transmitting means for transmitting the entered answer data to said database server apparatus, and storing the transmitted answer data in said database server apparatus (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2); and

- (4) wherein said terminal apparatus for medical doctor comprises:
- (5) receiving means for receiving the stored answer data by accessing said database server apparatus, and displaying the received answer data (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2).

Clarkson, however, fails to expressly disclose a communication a communication system for information of medical doctor's questions to patients, said communication system comprising:

- (6) a terminal apparatus for patient.

Nevertheless, these features are old and well known in the art, as evidenced by Brown. In particular, Brown discloses a communication a communication system for information of medical doctor's questions to patients, said communication system comprising:

- (6) a terminal apparatus for patient (Brown: abstract; Fig. 1-24).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Brown with the teachings of Clarkson with the motivation of processing healthcare-related information (Brown: col. 2, line 60-col. 3, line 16).

(B) As per claim 2, Clarkson discloses the system as claimed in claim 1, wherein said generating means comprises:

- (1) storing means for storing template question programs corresponding to predetermined answer forms (Clarkson: abstract; par. [0007] – [0019]; [0027]; [0066]; Fig. 1-2); and
- (2) program generating means for generating question programs by inserting question sets received from said database server apparatus into the template question programs (Clarkson: abstract; par. [0020], [0050]; Fig. 1-2).

(C) As per claim 3, Clarkson discloses the system as claimed in claim 2, wherein the answer forms include at least one of:

- (1) a first answer form for answering by selecting at least one among a plurality of selection sentences of answers as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2); and
- (2) a second answer form for answering by using a numerical value as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2).

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(D) As per claim 4, Clarkson discloses the system as claimed in claim 1, wherein each of the question sets includes data indicative of the answer form, and a question sentence (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2).

(E) As per claim 5, Clarkson discloses the system as claimed in claim 4, wherein each of the question sets further includes at least one selection sentence (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2).

(F) As per claim 7, Clarkson discloses the system as claimed in claim 1, wherein said terminal apparatus for patient further comprises:

- (1) storing means for storing entered past answer data (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2); and
- (2) wherein said displaying means displays stored past answer data in conjunction with the question (Clarkson: abstract; par. [0099] – [0100]; Fig. 1-2).

(G) As per claim 8, xxxxx discloses the system as claimed in claim 3, wherein the second answer form includes at least one of:

- (1) a third answer form for answering by directly entering a numerical value as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2); and
- (2) a fourth answer form for answering by entering a numerical value indicative of an answer with either one of increasing and decreasing a numerical value starting at an initial value, as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2).

(H) As per claim 9, Clarkson discloses the system as claimed in claim 8, wherein said terminal apparatus for patient further comprises:

- (1) storing means for storing the entered past answer data (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2); and
- (2) wherein the initial value of the numerical value is a numerical value indicative of a previous answer of the corresponding patient included in the stored past answer data (Clarkson: abstract; par. [0099] – [0100]; Fig. 1-2).

(I) As per claim 10, Clarkson discloses the system as claimed in claim 5, wherein said program generating means comprises changing means for changing a display layout of the selection sentences according to at least one of the number of the



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selection sentences and the length of each selection sentence (Clarkson: abstract; par. [0020], [0050]; Fig. 1-2).

(J) As per claim 11, Clarkson discloses the system as claimed in claim 1, wherein said terminal apparatus for medical doctor further comprises:

- (1) transmitting and storing means for entering a remedy policy for patient, transmitting the entered remedy policy to said database server apparatus, and storing the transmitted remedy policy in said database server apparatus (Clarkson: abstract; par. [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2); and
- (2) further receiving means for receiving the stored remedy policy for patient by accessing said database server apparatus, and displaying the received remedy policy (Clarkson: abstract; par. [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(K) As per claim 12, Clarkson discloses the system as claimed in claim 11, wherein said terminal apparatus for medical doctor further comprises:

- (1) link controlling said further receiving means receives the stored remedy policy for patient by accessing said database server apparatus and displays the received remedy policy, when said receiving means receives

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answer data and displays the received data (Clarkson: abstract; par.

[0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(L) As per claim 13, Clarkson discloses the system as claimed in claim 1, wherein said database server apparatus comprises:

- (1) first storing means for storing information about patients every respective patients (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2);
- (2) second storing means for storing questions for medical doctor's questions every respective questions (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2);
- (3) third storing means for storing information about linking between respective patients and respective questions (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2); and
- (4) fourth storing means for storing answer data from said terminal apparatus for patient (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2).

(M) Claims 15-19 and 21-26 substantially repeat the same limitations as those of claims 1-5 and 7-13 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

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4. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson and Brown as applied to claims 1, 15 and 25 above, and further in view of Bair et al. (6,108,665; hereinafter Bair).

(A) As per claim 6, Clarkson fails to expressly disclose the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor.

Nevertheless, these features are old and well known in the art, as evidenced by Bair. In particular, Bair discloses the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor (Bair: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Bair with the combined teachings of Clarkson with the motivation of providing healthcare optimization (Bair: col. 2, lines 42-47).

(B) As per claim 14, Clarkson discloses the system as claimed in claim 13, wherein said third storing means further stores an answer entered by a medical doctor, in addition to the information about linking between respective patients and respective questions (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2).

Clarkson, however, fails to expressly disclose the system as claimed in claim 13, wherein said third storing means further stores a goal answer. Nevertheless, these features are old and well known in the art, as evidenced by Bair. In particular,

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Bair discloses the system as claimed in claim 13, wherein said third storing means further stores a goal answer (Bair: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Bair with the combined teachings of Clarkson with the motivation of providing healthcare optimization (Bair: col. 2, lines 42-47).

(C) Claim 20 substantially repeats the same limitations as those of claim 6 and therefore, is rejected for the same reasons given for claim 6 and incorporated herein.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches an automated and interactive telecommunications system (6,249,809); an interactive patient communication development system for reporting on patient healthcare management (US 2002/0133377); a process of interfacing a patient indirectly with their own electronic medical records (US 2002/0128870); research data collection and analysis (6,196,970); and an information gathering system (4,428,733).


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT



JOSEPH THOMAS  
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